

AMENDMENTS TO LB 663

(Amendments to E & R amendments, AM7174)

Introduced by Baker, 44

1 1. Strike section 30 and insert the following new
2 sections:

3 Sec. 19. Section 60-169, Revised Statutes Supplement,
4 2005, is amended to read:

5 60-169 ~~(1)~~ Each (1)(a) Except as otherwise provided in
6 subdivision (b) of this subsection, each owner of a vehicle and
7 each person mentioned as owner in the last certificate of title,
8 when the vehicle is dismantled, destroyed, or changed in such a
9 manner that it loses its character as a vehicle or changed in such
10 a manner that it is not the vehicle described in the certificate
11 of title, shall surrender his or her certificate of title to the
12 county clerk or designated county official of the county where such
13 certificate of title was issued or, if issued by the department,
14 to the department. If the certificate of title is surrendered
15 to the county clerk or designated county official, he or she
16 shall, with the consent of any holders of any liens noted thereon,
17 enter a cancellation upon his or her records and shall notify the
18 department of such cancellation. If the certificate is surrendered
19 to the department, it shall, with the consent of any holder of any
20 lien noted thereon, enter a cancellation upon its records.

21 (b) (i) In the case of a mobile home or manufactured
22 home for which a certificate of title has been issued, if such

1 mobile home or manufactured home is affixed to real property in
2 which the owner of the mobile home or manufactured home has an
3 ownership interest, the certificate of title may be surrendered
4 for cancellation to the county clerk or designated county official
5 of the county where such certificate of title is issued or, if
6 issued by the department, to the department, if at the time of
7 surrender the owner submits to the county clerk, the designated
8 county official, or the department an affidavit of affixture on a
9 form provided by the department that contains all of the following,
10 as applicable:

11 (A) The names and addresses of all of the owners of
12 record of the mobile home or manufactured home;

13 (B) A description of the mobile home or manufactured
14 home that includes the name of the manufacturer, the year of
15 manufacture, the model, and the manufacturer's serial number;

16 (C) The legal description of the real property upon which
17 the mobile home or manufactured home is affixed;

18 (D) A statement that the mobile home or manufactured home
19 is affixed to the real property;

20 (E) The written consent of each holder of a lien duly
21 noted on the certificate of title to the release of such lien and
22 the cancellation of the certificate of title;

23 (F) A copy of the certificate of title surrendered for
24 cancellation; and

25 (G) The name and address of an owner, a financial
26 institution, or another entity to which notice of cancellation of
27 the certificate of title may be delivered.

1 (ii) The person submitting an affidavit of affixture
2 pursuant to subdivision (b)(i) of this subsection shall swear or
3 affirm that all statements in the affidavit are true and material
4 and further acknowledge that any false statement in the affidavit
5 may subject the person to penalties relating to perjury under
6 section 28-915.

7 (2) If a certificate of title of a mobile home or
8 manufactured home is surrendered to the county clerk or designated
9 county official, along with the affidavit required by subdivision
10 (1)(b) of this section, he or she shall enter a cancellation upon
11 his or her records, notify the department of such cancellation,
12 forward a duplicate original of the affidavit to the department,
13 and deliver a duplicate original of the executed affidavit under
14 subdivision (1)(b) of this section to the register of deeds for the
15 county in which the real property is located to be filed by the
16 register of deeds. The county clerk or designated county official
17 shall be entitled to collect fees from the person submitting the
18 affidavit in accordance with sections 33-109 and 33-112 to cover
19 the costs of filing such affidavit. If the certificate of title is
20 surrendered to the department, along with the affidavit required by
21 subdivision (1)(b) of this section, the department shall enter a
22 cancellation upon its records and deliver a duplicate original of
23 the executed affidavit under subdivision (1)(b) of this section to
24 the register of deeds for the county in which the real property
25 is located to be filed by the register of deeds. The department
26 shall be entitled to collect fees from the person submitting the
27 affidavit in accordance with sections 33-109 and 33-112 to cover

1 the costs of filing such affidavit. Following the cancellation of
2 a certificate of title for a mobile home or manufactured home,
3 neither the county clerk, the designated county official, nor the
4 department shall issue a certificate of title for such mobile home
5 or manufactured home, except as provided in subsection (5) of this
6 section.

7 (3) If a mobile home or manufactured home is affixed to
8 real estate before the operative date of this section, a person
9 who is the holder of a lien or security interest in both the
10 mobile home or manufactured home and the real estate to which it is
11 affixed on such date may enforce its liens or security interests by
12 accepting a deed in lieu of foreclosure or in the manner provided
13 by law for enforcing liens on the real estate.

14 (4) A mobile home or manufactured home for which the
15 certificate of title has been canceled and for which an affidavit
16 of affixture has been duly recorded pursuant to subsection (2) of
17 this section shall be treated as part of the real estate upon which
18 such mobile home or manufactured home is located. Any lien thereon
19 shall be perfected and enforced in the same manner as a lien on
20 real estate. The owner of such mobile home or manufactured home may
21 convey ownership of the mobile home or manufactured home only as a
22 part of the real estate to which it is affixed.

23 (5) (a) If an owner of both the mobile home or
24 manufactured home and the real estate described in subdivision
25 (1) (b) of this section intends to detach the mobile home or
26 manufactured home from the real estate, the owner shall do both of
27 the following: (i) Before detaching the mobile home or manufactured

1 home, record an affidavit of detachment in the office of the
2 register of deeds in the county in which the affidavit is recorded
3 under subdivision (1)(b) of this section; and (ii) apply for a
4 certificate of title for the mobile home or manufactured home
5 pursuant to section 60-147.

6 (b) The affidavit of detachment shall contain all of the
7 following:

8 (i) The names and addresses of all of the owners of
9 record of the mobile home or manufactured home;

10 (ii) A description of the mobile home or manufactured
11 home that includes the name of the manufacturer, the year of
12 manufacture, the model, and the manufacturer's serial number;

13 (iii) The legal description of the real estate from which
14 the mobile home or manufactured home is to be detached;

15 (iv) A statement that the mobile home or manufactured
16 home is to be detached from the real property;

17 (v) A statement that the certificate of title of the
18 mobile home or manufactured home has previously been canceled;

19 (vi) The name of each holder of a lien of record against
20 the real estate from which the mobile home or manufactured home
21 is to be detached, with the written consent of each holder to the
22 detachment; and

23 (vii) The name and address of an owner, a financial
24 institution, or another entity to which the certificate of title
25 may be delivered.

26 (6) An owner of an affixed mobile home or manufactured
27 home for which the certificate of title has previously been

1 canceled pursuant to subsection (2) of this section shall not
2 detach the mobile home or manufactured home from the real estate
3 before a certificate of title for the mobile home or manufactured
4 home is issued by the county clerk, designated county official,
5 or department. If a certificate of title is issued by the county
6 clerk, designated county official, or department, the mobile home
7 or manufactured home is no longer considered part of the real
8 property. Any lien thereon shall be perfected pursuant to section
9 60-164. The owner of such mobile home or manufactured home may
10 convey ownership of the mobile home or manufactured home only by
11 way of a certificate of title.

12 (7) For purposes of this section:

13 (a) A mobile home or manufactured home is affixed to real
14 estate if the wheels, towing hitches, and running gear are removed
15 and it is permanently attached to a foundation or other support
16 system; and

17 (b) Ownership interest means the fee simple interest in
18 real estate or an interest as the lessee under a lease of the real
19 property that has a term that continues for at least twenty years
20 after the recording of the affidavit under subsection (2) of this
21 section.

22 ~~(2)~~ (8) Upon cancellation of a certificate of title
23 in the manner prescribed by this section, the county clerk or
24 designated county official and the department may cancel and
25 destroy all certificates and all memorandum certificates in that
26 chain of title.

27 Sec. 20. Section 60-193, Revised Statutes Supplement,

1 2005, is amended to read:

2 60-193 The statement required by section 60-192 shall be
3 on a form prescribed by the department or shall appear on the
4 certificate of title. Such statement shall be submitted with the
5 application for certificate of title, ~~and unless the statement~~
6 appears on the certificate of title being submitted with the
7 application. The statement required by section 60-192 shall appear
8 on the new certificate of title issued in the name of the
9 transferee. shall have recorded thereon the mileage shown by such
10 statement and a notation that the recorded mileage is actual, not
11 actual, or in excess of the mechanical odometer limit, whichever
12 is applicable. No certificate of title shall be issued for a motor
13 vehicle unless the application is accompanied by such statement or
14 unless the information required by such statement appears on the
15 certificate of title being submitted with the application.

16 Sec. 35. Sections 19 and 37 of this act become operative
17 on June 1, 2006. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12,
18 13, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30,
19 31, 32, 33, 34, and 36 of this act become operative three calendar
20 months after the adjournment of this legislative session. The other
21 sections of this act become operative on their effective date.

22 Sec. 37. Original section 60-169, Revised Statutes
23 Supplement, 2005, is repealed.

24 Sec. 38. Original section 60-193, Revised Statutes
25 Supplement, 2005, is repealed.

26 Sec. 39. Since an emergency exists, this act takes effect
27 when passed and approved according to law.

- 1 2. On page 11, strike beginning with "in" in line 8
- 2 through "department" in line 9 and show as stricken.
- 3 3. On page 27, line 23, strike "60-3,131,".
- 4 4. Renumber the remaining sections and correct internal
- 5 references accordingly.